

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No. EB-06-SE-420
Ryzex, Inc.)	NAL/Acct. No. 200832100012
)	FRN 0017365321

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: January 25, 2008**Released: January 29, 2008**

By the Chief, Spectrum Enforcement Division, Enforcement Bureau:

I. INTRODUCTION

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”), we find Ryzex, Inc. (“Ryzex”) apparently liable for a forfeiture in the amount of eight thousand dollars (\$8,000) for willful and repeated violation of Section 302(b) of the Communications Act of 1934, as amended (“Act”),¹ and Section 2.803(a) of the Commission’s Rules (“Rules”).² The noted apparent violations involve Ryzex’s marketing of noncompliant portable data terminals (“PDTs”).³

II. BACKGROUND

2. The Enforcement Bureau’s Spectrum Enforcement Division (“Division”) received a complaint alleging that Ryzex had modified PDTs manufactured by Symbol Technologies, Inc. (“Symbol”) by replacing their two megabytes per second (“mbps”) radio assemblies with 11 mbps radio assemblies without authorization from Symbol. The complaint also asserted that the PDTs’ original labels were affixed to the modified PDTs and that those labels included information relating to the radio assemblies originally installed in the PDTs rather than to the replacement radio assemblies.

3. The PDTs involved in this matter are equipped with internal radio assemblies which transmit the data collected by the PDTs. The internal radio assemblies at issue are designated by Symbol as the LA3021, which has a data transmission rate of two mbps and the LA4121, which has a data transmission rate of 11 mbps. Symbol holds grants of equipment certification for both of these radio assemblies.⁴

4. After its receipt of the complaint, the Division began an investigation. As part of the investigation, the Division conducted internet research on Ryzex’s website, www.ryzex.com, on January 11 and July 17, 2007. The internet research indicates that, on those dates, Ryzex advertised numerous Symbol PDTs for sale.

¹ 47 U.S.C. § 302a(b).

² 47 C.F.R. § 2.803(a).

³ PDTs are radio frequency devices that collect data. They are primarily used to take inventory.

⁴ FCC ID H9PLA3021 and FCC ID H9PLA4121.

5. On July 18, 2007, the Division directed a letter of inquiry (“LOI”) to Ryzex.⁵ Ryzex responded on September 12, 2007.⁶ Ryzex is a privately owned company headquartered in Bellingham, Washington, and is in the business of servicing “legacy PDTs” and reselling them to end-users.⁷

6. After a follow-up e-mail message from the Division on September 24, 2007, Ryzex filed a further response to the LOI on October 15, 2007.⁸ Ryzex states that it modified 507 Symbol PDTs between November 2003 and August 2007 as follows.⁹ Eighty-nine of these modifications involved removing the LA3021 radio assembly from a PDT6840 and replacing it with the LA4121 radio assembly (39 performed during 2004-2005 and 50 during February 2007).¹⁰ Ryzex describes this type of modification as a “PDT6840 to PDT6846 modification.”¹¹ Two hundred thirty-four modifications involved removing the U.S. version of the LA4121 radio assembly from a PDT6846 and replacing it with the “worldwide” version of the LA4121 radio assembly (187 performed between February and June 2007 and 47 during July and August 2007).¹² Ryzex describes this type of modification as a “PDT6846 T2 to WW modification.”¹³ One hundred twenty-three modifications involved removing the U.S. version of the LA4121 radio assembly from a PDT6846 and replacing it with a later U.S. version of the LA4121 radio assembly (105 performed during 2003-2006 and 18 during February 2007).¹⁴ Ryzex describes this type of modification as a “PDT6846 T2 to T2+ modification.”¹⁵ Forty-seven modifications involved removing the LA3021 radio assembly from a PDT6842 and replacing it with the LA4121 radio assembly (performed during 2004 and 2006).¹⁶ Ryzex describes this type of modification as a “PDT6842 to PDT6846 modification.”¹⁷ The remaining 14 modifications involved removing the LA4121 radio assembly from a PDT6846 and replacing it with the LA3021 radio assembly (performed during 2006).¹⁸ Ryzex describes this type of modification as a “PDT6846 to PDT6842 modification.”¹⁹

⁵ See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission to Ryzex, Inc. (July 18, 2007).

⁶ See Letter from Ian A. Volner and Ronald E. Quirk, Jr., Counsel for Ryzex, Inc., to Thomas D. Fitz-Gibbon, Esq., Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (September 12, 2007) (“First LOI Response”).

⁷ First LOI Response at 2.

⁸ See Letter from Ian A. Volner and Ronald E. Quirk, Jr., Counsel for Ryzex, Inc., to Thomas D. Fitz-Gibbon, Esq., Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (October 15, 2007) (“Second LOI Response”).

⁹ *Id.* at 4.

¹⁰ First LOI Response at 6-10, second LOI response at 4 and Exhibit 1.

¹¹ Second LOI Response at 4.

¹² *Id.* at 5 and Exhibit 1.

¹³ *Id.* at 5.

¹⁴ *Id.* at 5 and Exhibit 1.

¹⁵ *Id.* at 5.

¹⁶ First LOI Response at 6-10, second LOI response at 5 and Exhibit 1.

¹⁷ Second LOI response at 5.

¹⁸ *Id.* at 4-5 and Exhibit 1.

¹⁹ *Id.* at 5.

7. Ryzex asserts that it “was authorized by Symbol to repair, refurbish, and provide additional ‘value added services’ to Symbol PDTs and other products. Ryzex, however never specifically sought approval from Symbol to modify Symbol’s PDTs”²⁰ Additionally Ryzex asserts that “Symbol did not object to the practice of third-parties modifying PDTs ... until late 2004.”²¹ Ryzex also asserts that most of the PDTs it modified were sold to end-users or resellers²² and that the 507 modifications between November 2003 and September 2007 were performed with the intention of resale.²³

8. With respect to its labeling practices, Ryzex states that:

The PDTs that Ryzex purchases [for modification] typically contain labels affixed to them by Symbol. But Symbol’s labeling practices are inconsistent and confusing. In many cases, for example, the equipment product code portion of the FCC ID corresponds to the radio cards contained within the devices, but not to the devices themselves. [footnote omitted] Frequently, Symbol’s radio cards contain labels with no FCC ID on them

Because of Symbol’s poor labeling practices, Ryzex is forced to conduct certain labeling practices of its own in order to ensure the PDTs are identified. However, Ryzex never alters or adds an FCC ID number to any PDT.

If a PDT has a label that is legible and in good condition, Ryzex makes no changes If the Symbol label itself is badly damaged or missing, Ryzex applies its own generic label containing a serial number, the model or reconfiguration model. [footnote omitted]

In all cases, Ryzex attaches a label that states “Warranty: Void if Removed – May contain 3rd party parts from one or more sources.” Ryzex utilizes this label to make it clear that the PDTs are modified by Ryzex, and not Symbol.²⁴

Additionally, Ryzex asserts that it “has not changed the FCC ID Numbers on any of the PDTs it has modified.”²⁵ Question (4) of the LOI directed Ryzex to provide, for each modified PDT, a reproduction or facsimile of both the original label and any new label affixed after modification.²⁶ In response, Ryzex provides copies of four Symbol labels (but with no indication as to whether the labels were affixed to modified or unmodified devices) and copies of four labels that are “examples of Ryzex’ labeling practices.”²⁷

²⁰ *Id.* at 3.

²¹ *Id.* at 3.

²² First LOI Response at 13.

²³ Second LOI Response at 6.

²⁴ First LOI Response at 8 - 9.

²⁵ First LOI Response at 12.

²⁶ LOI at 1.

²⁷ See First LOI Response, Exhibit 11; Second LOI Response, Exhibit 2.

9. Ryzex contends that original equipment certifications granted to Symbol cover the PDTs it has modified but that counsel has been unable to ascertain the original equipment certifications.²⁸ Ryzex also contends that it is not a responsible party as a result of the modifications under Section 2.909 of the Rules,²⁹ arguing that:

[t]he modifications as described herein and in Ryzex' Initial Response do not require recertification or notice to the Commission.[footnote omitted] As such, they do not fall within the meaning of Section 2.909 of the Commission's Rules, and consequently that rule does not appear to apply with respect to the PDTs Ryzex has modified.³⁰

III. DISCUSSION

A. Marketing of Improperly Labeled Devices

10. Section 302(b) of the Act provides that "[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." Section 2.803(a)(1) of the Commission's implementing regulations provides in pertinent part that:

Except as provided elsewhere in this section, no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radiofrequency device³¹ unless ... [i]n the case of a device [that is] subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter....

11. Ryzex claims that it is not the "responsible party" with respect to the PDTs that it modified and therefore is not responsible for compliance with Section 302(b) of the Act and Section 2.803(a)(1) of the Rules. We disagree. Section 2.909(a) of the Rules³² provides in pertinent part:

If the radio frequency equipment is modified by any party other than the grantee and that party is not working under the authorization of the grantee pursuant to Sec. 2.929(b), the party performing the modification is responsible for compliance of the product with the applicable administrative and technical provisions in this chapter.

Ryzex modified Symbol PDT6840s, 6842s and 6846s by replacing their radio assemblies. Because Ryzex is not the grantee of the equipment certifications and was not working under the authorization of the grantee, we find that, under Section 2.909(a) of the Rules, Ryzex became the party responsible for the compliance of the modified PDTs with the applicable technical and administrative provisions, including the labeling requirements.

12. Section 2.909(d) of the Rules³³ provides:

²⁸ First LOI Response at 11.

²⁹ 47 C.F.R. § 2.909.

³⁰ Second LOI Response at 7.

³¹ 47 C.F.R. § 2.801 defines a radiofrequency device as "any device which in its operation is capable of emitting radiofrequency energy by radiation, conduction, or other means."

³² 47 C.F.R. § 2.909(a).

³³ 47 C.F.R. § 2.909(d).

If, because of modifications performed subsequent to authorization, a new party becomes responsible for ensuring that a product complies with the technical standards and the new party does not obtain a new equipment authorization, the equipment shall be labeled, following the specifications in §2.925(d), with the following: ‘This product has been modified by [insert name, address and telephone number of the party performing the modifications].’

Since Ryzex did not obtain its own certifications to cover the modified PDTs, it was required to label the devices as specified in Section 2.909(d). We have examined the copies of labels Ryzex provided in its response to our LOI. One of these labels states “Warranty: Void if Removed – May contain 3rd party parts from one or more sources.” Ryzex states that it attaches this label “in all cases” and utilizes it “to make it clear that the PDTs are modified by Ryzex, and not Symbol.”³⁴ This label, however, does not contain the information required by Section 2.909(d) of the Rules. Our examination of the other labels provided by Ryzex indicates that these labels also do not contain the information required by Section 2.909(d). We find, accordingly that Ryzex did not label the 507 modified devices as specified by Section 2.909(d).

13. Section 2.925(a)(1) of the Rules³⁵ provides:

Each equipment covered in an application for equipment authorization shall bear a nameplate or label listing the following: (1) FCC Identifier consisting of the two elements in the exact order specified in §2.926. The FCC Identifier shall be preceded by the term *FCC ID* in capital letters on a single line, and shall be of a type size large enough to be legible without the aid of magnification.

It is clear from Ryzex’s description of its labeling practices – in particular its statement that it does not change the FCC ID numbers on the devices that it modifies -- that the labels on certain of the modified PDTs do not contain the correct FCC ID number. The correct FCC ID number for the label of a modified PDT is the FCC ID number of the replacement internal radio assembly.³⁶ We find that the labels of the PDTs that were modified by replacing their radio assemblies with radio assemblies having different FCC ID numbers³⁷ do not include the correct FCC ID numbers and, therefore, are not labeled as specified by Section 2.925(a)(1) of the Rules.

14. We, accordingly, find that the 507 PDT6840s, 6842s and 6846s that Ryzex modified by replacing their radio assemblies are not properly labeled and are, therefore, noncompliant.³⁸ It is clear that Ryzex marketed³⁹ -- through sale or through advertising for sale -- three models of modified Symbol

³⁴ First LOI Response at 8 - 9.

³⁵ 47 C.F.R. § 2.925(a)(1).

³⁶ See *Unlicensed Modular Transmitter Approval*, Public Notice, 15 FCC Rcd 25415 (OET 2000).

³⁷ These include the modifications that involved removing the LA3021 radio assembly from a PDT6840 and replacing it with the LA4121 radio assembly, the modifications that involved removing the LA3021 radio assembly from a PDT6842 and replacing it with the LA4121 radio assembly and the modifications that involved removing the LA4121 radio assembly from a PDT6846 and replacing it with the LA3021 radio assembly.

³⁸ See *Revision of Part 2 of the Commission’s Rules relating to the Marketing and Authorization of Radio Frequency Devices*, Report and Order, 12 FCC Rcd 4533, 4552 (1997) (stating that the marketing of modified equipment by a party who fails to perform the steps required by Section 2.909(d) would violate the marketing rules).

³⁹ Marketing, as defined in 47 C.F.R. § 2.803(e)(4), “includes sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment, or distribution for the purpose of selling or leasing or offering for sale or lease.”

PDTs that were not properly labeled: the PDT6840 (as modified by replacing the LA3021 radio assembly with the LA4121 radio assembly),⁴⁰ the PDT6842 (as modified by replacing the LA3021 radio assembly with the LA4121 radio assembly),⁴¹ and the PDT6846 (as modified by replacing the LA4121 radio assembly with the LA3021 radio assembly, by replacing the U.S. version of the LA4121 radio assembly with the “worldwide” version of the LA4121 radio assembly, or by replacing the U.S. version of the LA4121 radio assembly with a later U.S. version of the LA4121 radio assembly).⁴² Ryzex describes the end products or “final configuration models” resulting from the modification of these devices as either the PDT6842 or the PDT6846.⁴³ In this regard, on January 11 and July 17, 2007, the Division staff observed Ryzex advertising the final configuration models PDT6842 and PDT6846 on Ryzex’s website. Ryzex acknowledges that all of the modifications were performed with the intention of resale.⁴⁴ Ryzex also acknowledges that it sold most of the PDTs it modified to end users or resellers.⁴⁵ Based on Ryzex’s statement that it modified units of the PDT6840 between June 2004 and February 2007, we find that Ryzex apparently marketed the modified PDT6840 until at least February 2007. Based on Ryzex’s statement that it modified units of the PDT6842 between May 2006 and August 2006, we find that Ryzex apparently marketed the modified PDT6842 until at least 2006. Finally, based on Ryzex’s statement that it modified units of the PDT6846 between November 2003 and August 2007, we find that Ryzex apparently marketed the modified PDT6846 until at least August 2007.

15. We find, therefore, that Ryzex apparently marketed three models of noncompliant radio frequency devices, in willful⁴⁶ and repeated⁴⁷ violation of Section 302(b) of the Act and Section 2.803(a) of the Rules.

B. Proposed Forfeiture

16. Section 503(b) of the Act⁴⁸ authorizes the Commission to assess a forfeiture for each willful or repeated violation of the Act or of any rule, regulation, or order issued by the Commission under the Act.

⁴⁰ Described by Ryzex as a “PDT6840 to PDT6846 modification.” Second LOI response at 4.

⁴¹ Describes by Ryzex as a “PDT6842 to PDT6846 modification.” *Id.* at 5.

⁴² Described by Ryzex as, respectively, a “PDT6846 to PDT6842 modification,” a “PDT6846 T2 to WW modification,” or a “PDT6846 T2 to T2+ modification.” *Id.* at 5.

⁴³ *Id.* at 4-5 and Exhibit 1. The devices described as final configuration model PDT6842 are the devices modified by removing the LA4121 radio assembly from a PDT6846 and replacing it with the LA3021 radio assembly. The devices described as final configuration model PDT6846 include the devices modified by removing the LA3021 radio assembly from a PDT6840 and replacing it with the LA4121 radio assembly, the devices modified by removing the LA3021 radio assembly from a PDT6842 and replacing it with the LA4121 radio assembly, the devices modified by removing the U.S. version of the LA4121 radio assembly from a PDT6846 and replacing it with the “worldwide” version of the LA4121 radio assembly and the devices modified by removing the U.S. version of the LA4121 radio assembly from a PDT6846 and replacing it with a later U.S. version of the LA4121 radio assembly.

⁴⁴ Second LOI Response at 6.

⁴⁵ First LOI Response at 13.

⁴⁶ Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that “[t]he term ‘willful’, ... means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act or any rule or regulation of the Commission authorized by this Act” See *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387 (1991).

⁴⁷ Section 312(f)(2) of the Act provides that “[t]he term ‘repeated’, ... means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.” 47 U.S.C. § 312(f)(2).

In exercising such authority, we are required to take into account “the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”⁴⁹

17. Section 503(b)(6) of the Act⁵⁰ bars the Commission from proposing a forfeiture for violations that occurred more than a year prior to the issuance of an *NAL*. Section 503(b)(6) does not, however, bar the Commission from assessing whether Ryzex’s conduct prior to that time period apparently violated the provisions of the Act and Rules and from considering such conduct in determining the appropriate forfeiture amount for violations that occurred within the one-year statutory period.⁵¹ Thus, while we may consider the fact that Ryzex’s conduct has continued over a period that began during 2003, the forfeiture amount we propose herein relates only to Ryzex’s apparent violations that have occurred within the past year.

18. Under *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines* (“*Forfeiture Policy Statement*”)⁵² and Section 1.80 of the Rules,⁵³ the base forfeiture amount for the marketing of unauthorized equipment is \$7,000. In this case, Ryzex marketed two models of improperly labeled PDTs, the modified Symbol PDT6840 and PDT6846,⁵⁴ within the past year. Ryzex’s marketing of each of these two improperly labeled models is a separate violation. We find that the base forfeiture amount of \$7,000 is apparently warranted for each of the two models for total of \$14,000.⁵⁵ The base forfeiture amount is typically imposed for marketing devices that are not in compliance with applicable technical requirements or are not authorized by an equipment authorization. In this case, however, these two models are not properly labeled as required by Sections 2.909(d) and 2.925(a)(1) of the Rules. Because marketing an improperly labeled device is not as significant a violation as marketing an unauthorized or technically non-compliant device, we find that a downward adjustment of the base forfeiture amount from \$7,000 to \$4,000 for each violation is warranted. Thus, we propose a total forfeiture of \$8,000.

19. Ryzex also marketed another improperly labeled model, the modified Symbol PDT6842.⁵⁶ Although we believe that a forfeiture would be warranted for this violation, we note that the

(Continued from previous page)

⁴⁸ 47 U.S.C. § 503(b).

⁴⁹ 47 U.S.C. § 503(b)(2)(E).

⁵⁰ 47 U.S.C. § 503(b)(6).

⁵¹ See 47 U.S.C. § 503(b)(2)(D), 47 C.F.R. § 1.80(b)(4); see also *Behringer USA, Inc.*, Notice of Apparent Liability, 21 FCC Rcd 1820, 1825(2006), *forfeiture ordered*, Forfeiture Order, 22 FCC Rcd. 1051 (2007); *Globcom, Inc. d/b/a Globcom Global Communications*, Notice of Apparent Liability, 18 FCC Rcd 19893, 19903 (2003), *forfeiture ordered*, Forfeiture Order, 21 FCC Rcd 4710 (2006); *Roadrunner Transportation, Inc.*, Forfeiture Order, 15 FCC Rcd 9669, 9671-71 (2000); *Cate Communications Corp.*, Memorandum Opinion and Order, 60 RR 2d 1386, 1388 (1986); *Eastern Broadcasting Corp.*, Memorandum Opinion and Order, 10 FCC 2d 37 (1967), *recon. den.*, 11 FCC 2d 193 (1967); *Bureau D’Electronique Appliquee, Inc.*, Notice of Apparent Liability, 20 FCC Rcd 3445, 3447-48 (Enf. Bur., Spectrum Enf. Div. 2005), *forfeiture ordered*, Forfeiture Order, 20 FCC Rcd 17893 (Enf. Bur., Spectrum Enf. Div. 2005) (“*Bureau D’Electronique Appliquee*”).

⁵² 12 FCC Rcd 17087, 17113 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

⁵³ 47 C.F.R. § 1.80.

⁵⁴ Ryzex’s “final configuration models” for these two devices are the PDT6842 and the PDT6846. Second LOI Response, Exhibit 1. See n. 43 *supra*.

⁵⁵ See *Samson Technologies, Inc.*, Notice of Apparent Liability, 19 FCC Rcd 4221, 4225 (2004).

⁵⁶ Ryzex’s “final configuration model” for the modified PDT6842 is the PDT6846. Second LOI Response, Exhibit 1. Thus, the PDT6842s advertised on Ryzex’s website do not appear to include any of the modified PDT6842s.

statute of limitations for proposing a forfeiture for this violation is one year from the date of violation.⁵⁷ Accordingly, because it is not clear from the record before us whether Ryzex marketed the modified PDT6842s after 2006,⁵⁸ we will not propose a forfeiture for marketing this model. We find, however, that an admonishment is warranted.

IV. ORDERING CLAUSES

20. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act, and Sections 0.111, 0.311 and 1.80 of the Rules,⁵⁹ Ryzex, Inc., **IS NOTIFIED** of its **APPARENT LIABILITY FOR A FORFEITURE** in the amount of eight thousand dollars (\$8,000) for marketing two models of improperly labeled PDTs in willful and repeated violation of Section 302(a) of the Act and Section 2.803(a) of the of the Rules.

21. **IT IS FURTHER ORDERED** that Ryzex **IS ADMONISHED** for marketing one model of improperly labeled PDTs in violation of Section 302(a) of the Act and Section 2.803(a) of the of the Rules.

22. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this Notice of Apparent Liability for Forfeiture, Ryzex **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

23. Payment of the forfeiture must be made by credit card through the Commission's Debt and Credit Management Center at (202) 418-1995, or check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106.

24. The response, if any, must be mailed to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, ATTN: Enforcement Bureau – Spectrum Enforcement Division, and must include the NAL/Acct. No. referenced in the caption.

25. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

26. Requests for payment of the full amount of the NAL under an installment plan should be sent to: Associate Managing Director – Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.⁶⁰

⁵⁷ See 47 U.S.C. § 503(b)(6); 47 C.F.R. § 1.80(c)(3).

⁵⁸ As noted above, Ryzex modified these units between 2004 and 2006. See paragraph 6, *supra*.

⁵⁹ 47 C.F.R. § 0.111, 0.311 and 1.80.

⁶⁰ See 47 C.F.R. § 1.1914.

27. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail return receipt requested to Ryzex , Inc., 4600 Ryzex Way, Bellingham, Washington 98226-7691, and to its attorneys, Ian D. Volner and Ronald E. Quirk, Jr., Venable LLP, 575 7th Street, NW, Washington, DC 20004-1601.

FEDERAL COMMUNICATIONS COMMISSION

Kathryn S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau